

Updating Shoreline Master Programs

Shoreline Master Programs are not static documents and should be amended when:

- required to comply with SMA rule changes;
- the SMP no longer applies to changed physical, economic or social circumstances;
- the SMP is not in tune with local or state wide environmental standards or procedures;
- new planning issues or civic objectives arise that can be addressed through shoreline management;
- to integrate shoreline master programs with GMA comprehensive plans and development regulations; and
- when necessary to encompass newly annexed territory.

The approval/amendment process is roughly divided between a **local process** and a **state review and approval** process. There is a strong emphasis on public participation at both levels.

Local SMP Amendment Process

Involve the public and agencies throughout

Both the SMA and the GMA require early and continuous public involvement. Local governments should work with either the planning commission or a citizen advisory committee that represents a broad cross section of interests to provide a forum to discuss shoreline management issues, set goals, help write policies and regulations, and promote communication with the general public. Some jurisdictions also use a technical committee to provide peer review and assist with inventory and analysis steps.

Recommendation: Start the SMP update process by preparing a strategy document that outlines the entire planning process, including public participation steps throughout. Identify specific objectives, key parties (Planning Commission, public, property owners, state agencies, County, Tribes, neighboring jurisdictions, etc.), and establishes timelines.

Conduct inventory

Compile and evaluate all pertinent and available data, reports, information, aerial photos, plans, studies, inventories, and other information applicable to the jurisdiction's shorelines. Collect information on shoreline and adjacent **land use** patterns; **Critical areas** (wetlands, fish and wildlife habitat areas, geologically hazardous areas, frequently flooded areas); existing and potential shoreline **public access sites**; general location of **channel migration zones and floodplains**; and **archaeological or historic resources**. Map inventory information at an appropriate scale.

Recommendation: Gather peer review comments on draft inventory maps.

Prepare an analysis

Analyze the inventory data and information with a focus on identifying opportunities for:

- **protecting and restoring ecological functions** through land use regulation and non-regulatory means,
- improving **public access** to shorelines, and
- promoting appropriate **water-oriented uses**.

The analysis will serve as the basis for updating environment designations and will help determine SMP policy and regulatory requirements.

Recommendation: Gather peer review comments on draft analysis report.

Review and revise goals

Prepare goals that address the following elements: shoreline use, economic development, circulation, conservation, public access, recreation, historic/cultural, and flood damage prevention.

Develop policies and regulations

- Prepare **general** policies and regulations are those that apply to all shoreline uses and modification activities without respect to environment designation.
- Develop **use** policies and regulations specific to individual shoreline use categories such as marinas, commercial businesses, industry, residential development, aquaculture, etc.
- Prepare policies and regulations for shoreline **modification activities** (such as dredging, or construction of a pier or breakwater)

Determine shoreline environment designations

Based on the analysis, determine environment designations for shoreline segments that have like characteristics and develop policies and regulations that will apply to all uses allowed with the environment. Final SMPs must include maps showing both existing and proposed designations, together with corresponding boundaries described in text for each change of environment.

Amend permit administration provisions

Review and correct any problems with local administrative procedures to improve efficiency and integrate SMP administration with other local regulatory processes.

Prepare draft SMP and submit to Ecology for informal review

Although not required, Ecology recommends submitting a draft of the SMP to Ecology for informal review prior to public hearings and local legislative action.

Public hearings and local adoption

Local governments must hold at least one public hearing before approving an SMP. Hearing announcements must be published in at least one general circulation newspaper. Local governments must document all comments. After reviewing comments and (if necessary) making appropriate adjustments, the local legislative body adopts the SMP.

State SMP Approval/Amendment Process

Local government submits locally approved SMP to Ecology

A complete SMP submittal must include two copies each of:

- (1) a signed resolution or ordinance that the proposal has been approved;
- (2) clear documentation of changes to the existing SMP;
- (3) Amended environment designation maps, showing both existing and proposed designations, together with corresponding boundaries described in text for each change of environment. The submittal must include justification for designation changes based on

existing development patterns, the biophysical capabilities and limitations of the shoreline being considered, and the goals and aspirations of the local citizenry as reflected in the locally adopted comprehensive land use plan;

(4) A summary of proposed amendments together with explanatory text indicating the scope and intent of the proposal, staff reports, and other materials documenting the need for proposed changes;

(5) Evidence of compliance with the State Environmental Policy Act;

(6) Copies of all public, agency and tribal comments received

Ecology reviews SMP for completeness (no time specified in law or rule)

If complete, Ecology sends local government a letter acknowledging receipt.

If incomplete, Ecology sends a letter identifying the deficiencies. The review process begins after Ecology determines the submittal is complete.

Public comment (30 days minimum)

Ecology opens 30-day (or longer) comment period. Ecology sends notice to all parties of record. For local governments planning under GMA, Ecology notifies the state Office of Community Development. Ecology holds one or more public hearing(s) in the jurisdiction (optional).

Ecology prepares summary of public comments (15-day period maximum)

Within 15 days after the close of the comment period, Ecology sends local governments a list of issues identified by the public during the state-level review period.

Local response to public comments (45-day period maximum)

Local governments must respond to all public comments, demonstrating how their plan addresses the identified issues consistent with SMA policies. A local government may request an extension to the 45-day period. *(If no extension is requested, and Ecology has not heard from the local government, Ecology proceeds to the next step.)*

Ecology prepares decision letter (30-day period maximum)

Within 30 days after receiving a local government's response to public comments, Ecology must make a final decision on the plan's consistency with the SMA. Ecology must send a decision letter to the local government and all parties of record with findings and conclusions. Ecology may (1) approve the submitted plan as is, (2) approve the plan with conditions, or (3) deny the plan.

If Ecology approves plan as-is

If Ecology approves the plan as submitted, the date of Ecology's letter to local government approving the SMP is the effective date.

Note: Local governments planning under the GMA must publish notice of Ecology's approval after receiving an approval letter. The window for appeals of the SMP to the Growth Hearings Boards is 60 days from the date on which the local government publishes the notice.

For jurisdictions not planning under GMA, appeals are to the Shorelines Hearings Board, and must be filed within 30 days of Ecology's decision to approve, reject, or modify an SMP.

If Ecology approves the plan with changes (30 day maximum)

Local government has 30 days from receiving Ecology's decision letter to either:

(i) **Agree to the proposed changes** by sending a letter to Ecology indicating acceptance of the conditional approval. Ecology will send this letter to all parties of record. The effective date of the approved SMP is the date Ecology receives the letter from local government; or

(ii) **Submit an alternative proposal.**

If Ecology determines the alternative *is consistent* with the intent of the changes Ecology had originally proposed, the agency approves the alternative changes with a letter sent to the local government and all parties of record. The effective date of the approved master program or amendments is the date of Ecology's letter to local government approving the alternative proposal.

If Ecology determines the alternative is *not consistent* with the intent of the changes proposed by the department, Ecology may either deny the alternative proposal or at the request of local government start anew with the review and approval process.

Key statutes

- Shoreline Management Act, RCW 90.58 (State policy - Sec. 020; Approval process - Sec. 090; SMP contents - Sec 100; Appeals - Sec. 190)
- Growth Management Act, RCW 36.70A
- State Environmental Policy Act, RCW 43.21C

Key regulations

State Master Program Approval/Amendment Procedures (WAC 173-26, Part II)

- Local process for approving/amending shoreline master programs (WAC 173-26-100)
- Submittal to department of proposed master programs/amendments (WAC 173-26-110)
- State process for approving/amending shoreline master programs (WAC 173-26-120)

Growth Management Act Procedural Criteria (WAC 365-195)

- Public participation (WAC 365-195-600)